

MONTANA LEGISLATIVE HISTORY

Chapter 337 19~~92~~93

Bill H 448 S _____ Original bill & history X c

H. Committee on NATURAL RESOURCES

Hearing Date(s) 2/15 X c

EXEC. ACTION 2/17 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on NATURAL RESOURCES

Hearing Date(s) 3/26 X c

↓ EXEC ACTION _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE BILL NO. 448

INTRODUCED BY ORR

IN THE HOUSE

FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
FEBRUARY 20, 1993	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 100; NOES, 0.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 27, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 31, 1993	SECOND READING, CONCURRED IN.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 2.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 2, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 448
2 INTRODUCED BY ORR
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SEWAGE
5 LAGOON TO BE SITED AND CONSTRUCTED NOT LESS THAN 500 FEET
6 FROM A WATER WELL; AND AMENDING SECTIONS 75-5-103 AND
7 75-5-605, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 75-5-103, MCA, is amended to read:
11 "75-5-103. Definitions. Unless the context requires
12 otherwise, in this chapter, the following definitions apply:
13 (1) "Board" means the board of health and environmental
14 sciences provided for in 2-15-2104.
15 (2) "Contamination" means impairment of the quality of
16 state waters by sewage, industrial wastes, or other wastes,
17 creating a hazard to human health.
18 (3) "Council" means the water pollution control
19 advisory council provided for in 2-15-2107.
20 (4) "Department" means the department of health and
21 environmental sciences provided for in Title 2, chapter 15,
22 part 21.
23 (5) "Disposal system" means a system for disposing of
24 sewage, industrial, or other wastes and includes sewage
25 systems and treatment works.

1 (6) "Effluent standard" means any restriction or
2 prohibition on quantities, rates, and concentrations of
3 chemical, physical, biological, and other constituents which
4 are discharged into state waters.
5 (7) "Industrial waste" means any waste substance from
6 the process of business or industry or from the development
7 of any natural resource, together with any sewage that may
8 be present.
9 (8) "Local department of health" means the staff,
10 including health officers, employed by a county, city,
11 city-county, or district board of health.
12 (9) "Other wastes" means garbage, municipal refuse,
13 decayed wood, sawdust, shavings, bark, lime, sand, ashes,
14 offal, night soil, oil, grease, tar, heat, chemicals, dead
15 animals, sediment, wrecked or discarded equipment,
16 radioactive materials, solid waste, and all other substances
17 that may pollute state waters.
18 (10) "Owner or operator" means any person who owns,
19 leases, operates, controls, or supervises a point source.
20 (11) "Person" means the state, a political subdivision
21 of the state, institution, firm, corporation, partnership,
22 individual, or other entity and includes persons resident in
23 Canada.
24 (12) "Point source" means any discernible, confined, and
25 discrete conveyance, including but not limited to any pipe,

ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

(13) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of any state waters which exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or the discharge, seepage, drainage, infiltration, or flow of any liquid, gaseous, solid, radioactive, or other substance into any state water which will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge, seepage, drainage, infiltration or flow which is authorized under the pollution discharge permit rules of the board is not pollution under this chapter.

(14) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

(15) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

(16) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(17) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground; however, this subsection does not apply to irrigation waters where the waters are used up within the irrigation system and the waters are not returned to any other state waters.

(18) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

(19) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water."

Section 2. Section 75-5-605, MCA, is amended to read:

"75-5-605. Prohibited activity. (1) It is unlawful to:

(a) cause pollution as defined in 75-5-103 of any state waters or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any

1 state waters;

2 (b) violate any provision set forth in a permit or
3 stipulation, including but not limited to limitations and
4 conditions contained ~~therein~~ in the permit;

5 (c) site and construct a sewage lagoon less than 500
6 feet from an existing water well;

7 ~~(c)~~(d) violate any order issued pursuant to this
8 chapter; or

9 ~~(d)~~(e) violate any provision of this chapter.

10 (2) It is unlawful to carry on any of the following
11 activities without a current permit from the department:

12 (a) construct, modify, or operate a disposal system
13 which discharges into any state waters;

14 (b) construct or use any outlet for the discharge of
15 sewage, industrial wastes, or other wastes into any state
16 waters; or

17 (c) discharge sewage, industrial wastes, or other
18 wastes into any state waters."

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN DICK KNOX**, on February 15, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: Rep. Feland

Members Absent: None

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 503, HB 448, HB 419, HB 571, HB 532,
HB 512, HB 407 and HB 567
Executive Action: HB 488, HB 379 HB 395, HB 454 and HB 434

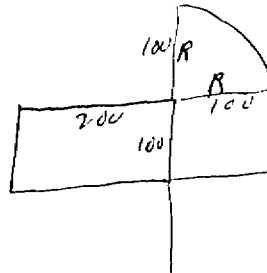
HEARING ON HB 571

Opening Statement by Sponsor:

REP. DAVE BROWN, HD 72, Butte, stated HB 571 was drafted at the

EXHIBIT 5
 DATE 2-15-93
 HB 448

Geometric progression of distance
 from point - acres



R

100'

$$\pi R^2 = 31,400 \text{ sq. } \underline{.72 \text{ A}}$$

200'

$$\pi R^2 = 125,600 \text{ sq. } \underline{2.88 \text{ A}}$$

300'

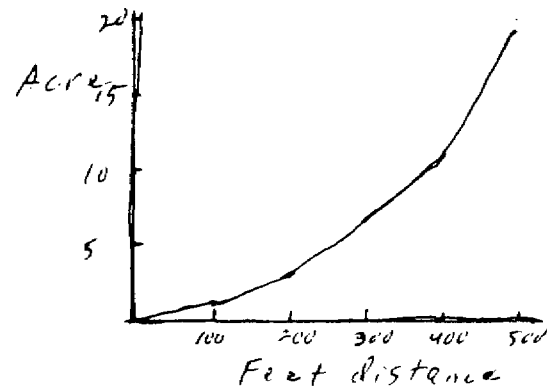
$$\pi R^2 = 282,600 \text{ sq. } \underline{6.44 \text{ A}}$$

400'

$$\pi R^2 = 502,400 \text{ sq. } \underline{11.53 \text{ A}}$$

500'

$$\pi R^2 = 785,000 \text{ sq. } \underline{18.07 \text{ A}}$$



MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By DICK KNOX, CHAIRMAN on February 17, 1993, at
3:00 pm.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Rolph Tunby, Vice Chairman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Russ Fagg (R)
Rep. Gary Feland (R)
Rep. Mike Foster (R)
Rep. Bob Gilbert (R)
Rep. Hal Harper (D)
Rep. Scott Orr (R)
Rep. Bob Raney (D)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Emily Swanson (D)
Rep. Howard Toole (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Environmental Quality Council
Michael Kakuk, Environmental Quality Council
Roberta Opel, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 599, HR 20,
Executive Action: HR 20, HB 567, HB 512, HB 407, HB 379
HB 419, HB 448, HB 503, HB 532, HB 571
HB 599

HEARING ON HB 599

Opening Statement by Sponsor:

REP. DUANE GRIMES, HD 75, Clancy, stated HB 599 will clarify the
environmental assessment process. The legislation places current
administrative rules into state statute.

Proponents' Testimony:

John Fitzpatrick, Pegasus Gold, described the environmental review process and covered the differences between Environmental Impact Statements (EIS) and Environmental Assessments (EA). He expressed support for the legislation and the streamlined process contained in the bill.

Fess Foster, Golden Sunlight Mines, Inc., testified in support of the legislation and noted that it clarified the statute to prevent misunderstandings. **EXHIBIT 1**

Ward Shanahan, Stillwater Mining Company, expressed support for the clarification language contained in the legislation.

Gary Langley, Montana Mining Association, concurred by supporting previous testimony.

Deanna Johnson, C.U.R.E., read testimony in support of HB 599. **EXHIBIT 2**

Opponents' Testimony:

Bruce Farling, Clark Fork Coalition, Florence, stated the coalition supports the concept of mitigated environmental assessment (EA) but objects to language in subsection 4, stating it was unclear when delineating the public scoping process. He also testified on the financial impact of switching from an EIS to a mitigated EA.

Brian McNitt, Montana Environmental Information Center, echoed Mr Farling's concerns and emphasized the lack of clarity on public participation in the scoping process and the cost shifting to the state for mitigated EAs.

Janet Ellis, Montana Audubon Legislative Fund, stated her organization's concurrence with previous opponent's testimony.

Questions From Committee Members and Responses:

REP. RANEY questioned **REP. GRIMES** on the state's ability to collect the cost of an EIS rather than the cost of an EA. **Sandy Olsen, Department of State Lands (DSL)**, responded that agency enabling language would determine the payment of an EA. She added that during the 1991 session legislation was passed authorizing the Hard Rock Bureau to assess permanent fees, which could cover the EAs. She was unclear as to the impact on other DSL bureaus.

It was suggested that the sponsor, state personnel, and opponents meet to develop mutually agreed upon amendments to the legislation.

REP. HARPER expressed concern for the fiscal impact of the bill and requested a fiscal note. Discussion ensued on amending the bill so that an applicant would incur the expenses of an EA and mitigated EAs rather than the state.

Closing by Sponsor:

REP. GRIMES expressed confidence in the legislation and encouraged support for the changes included in the bill.

HEARING ON HJR 20

Opening Statement by Sponsor:

REP. DICK KNOX, HD 29, Winifred, stated HJR 20 concerns the Berkeley Pit.

Proponents' Testimony:

Russ Ritter, Montana Resources and ASARCO, stated the companies' support for the resolution.

Ward Shanahan, ARCO, expressed two concerns with the resolution: the filling rate, which he said was slowing down, and the conditions which prevented water in the pit from freezing, that he stated are inaccurate, as the pit froze this year. He noted on page two of the bill, lines 18 through 21, the numbers presented are also inaccurate in light of EPA reportings.

Opponents' Testimony: None.

Closing by Sponsor:

REP. KNOX thanked the committee and closed on HJR 20.

EXECUTIVE ACTION ON HJR 20

Motion: REP. FOSTER MOVED HJR 20 DO PASS.

Motion/Vote: REP. FOSTER moved to amend the bill to reflect that figures utilized in the resolution were derived from the Department of Health: "WHEREAS, according to the Department of Health". Motion carried unanimously.

Motion: REP. ROLPH TUNBY proposed amending page 2, line 11, to strike: "from conditions on". After discussion, the amendment was withdrawn.

Motion/Vote: MOTION THAT HJR 20 DO PASS AS AMENDED. Motion carried unanimously.

Motion/Vote: MOTION TO REVERSE THE VOTE AND TABLE HB 407.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 379

Previous executive action on HB 379 ended in a tie vote on February 15, 1993.

Motion/Vote: REP. RANEY MOVED TO TABLE HB 379. Motion carried unanimously.

EXECUTIVE ACTION ON HB 599

Discussion: Michael Kakuk explained the conceptual amendments to the legislation, amending 82-4-337.

Motion/Vote: Motion was made to accept the conceptual amendments for HB 599. Motion carried.

Motion/Vote: MOTION THAT HB 599 DO PASS AS AMENDED. Motion carried with REP. RANEY voting no.

EXECUTIVE ACTION ON HB 419

Motion: MOTION THAT HB 419 DO PASS.

Motion/Vote: REP. SWANSON MOVED AMENDMENTS TO HB 419 PROPOSED BY REP. GRADY. EXHIBIT 6. Motion carried unanimously.

Motion: MOTION TO AMEND HB 419 TO INCLUDE THE \$100,000 CAP PROPOSED BY MONTANA POWER.

Discussion: The committee discussed the purpose of the proposed amendment and the logic of capping fine limits.

Vote: TO AMEND HB 419 TO INCLUDE THE \$100,000 CAP. Motion carried.

Motion/Vote: REP. FAGG MOVED HB 419 DO PASS AS AMENDED. Motion carried.

EXECUTIVE ACTION ON HB 448

Motion/Vote: REP. GILBERT MOVED HB 448 DO PASS. Motion carried.

EXECUTIVE ACTION ON HB 503

Motion: REP. RANEY MOVED HB 503 DO PASS. Motion carried.

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report
that House Bill 448 (first reading copy -- white) do pass .

Signed: _____
Dick Knox, Chair

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on March 26, 1993, at 3:17 p.m.

ROLL CALL

Members Present:

Sen. Don Bianchi, Chair (D)
Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 374, HB 419, HB 448, HB 571, HB 592
Executive Action: HB 448, HB 571, HB 423, HB 512, HB 532,
HB 442, HB 599, SJR 29, HB 408, HB 280,
SB 401

HEARING ON HOUSE BILL 374

Opening Statement by Sponsor:

Representative Ewer, House District 45, Helena, said House Bill 374 was introduced by request of the Department of Health and Environmental Sciences (DHES). The bill provides for an administrative penalty in the Montana water quality laws. This bill was amended on the floor and he said they would like to work

EXECUTIVE ACTION ON HOUSE BILL 448

Motion/Vote:

Senator Swift moved House Bill 448 BE CONCURRED IN. The motion CARRIED. Senator Grosfield agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 571

Discussion:

Senator McClernan moved House Bill 571 BE CONCURRED IN. The motion CARRIED. Senator Jacobson will carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 423

Motion/Vote:

Senator Weeding moved House Bill 423 BE CONCURRED IN. Motion CARRIED. Senator Weeding agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HOUSE BILL 512

Motion/Vote:

Senator Weldon moved House Bill 512 BE CONCURRED IN. Motion CARRIED. Senator Weldon agreed to carry the bill on the floor.

EXECUTIVE ACTION ON HB 532

Motion/Vote:

Senator Weeding moved House Bill 532 BE CONCURRED IN. Motion CARRIED. Senator Bruski-Maus will carry the bill on the floor.

DISCUSSION ON HB 442

Chair Bianchi said Jim Jensen had been asked to get together with Gary Langley and bring some suggestions back to the Committee for amendments to HB 442. Dennis Olson, Northern Plains Resource Council (NPRC) discussed Mr. Jensen's efforts to draft amendments acceptable to Mr. Langley. Mr. Sihler said this bill has a conflict with SB 320 and needs amendments. The Committee decided to postpone action on HB 442.

Questions From Committee Members and Responses:

REP. SWANSON asked REP. GRADY if penalties are routed to the general fund. REP. GRADY answered that fees collected by DHES are deposited in the general fund.

Closing by Sponsor:

REP. GRADY closed by saying the bill was without opposition.

HEARING ON HB 503

Opening Statement by Sponsor:

REP. BOB REAM, HD 54, Missoula, said HB 503 simply strikes "and" and inserts "for" into bill language regarding the Stream-side Management Zone (SMZ).

Proponents' Testimony:

Jeff Jahnke, Department of State Lands (DSL), said the bill will eliminate any uncertainty associated with Stream-side Management Zones.

Stan Bradshaw, Trout Unlimited, spoke in support of the bill and on behalf of Janet Ellis, Montana Audubon Legislative Fund.

Don Allen, Montana Wood Products, said they support HB 503.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. REAM declined to close.

HEARING ON HB 448

Opening Statement by Sponsor:

REP. SCOTT ORR, HD 2, said the bill will require that a sewage well cannot be sited less than 500 feet from a water well. Variances have been granted by DHES, he noted.

Proponents' Testimony: None

Opponents' Testimony:

Steve Mandeville, Montana Association of Realtors, said land near a well will be rendered useless if this legislation is adopted. He stated that, according to this bill, eighteen acres are necessary to determine a lagoon is safe.

Questions From Committee Members and Responses:

REP. STOVALL asked REP. ORR to address the handout regarding geometric progression. EXHIBIT 5 REP. ORR replied that sewage begins at an open pit made of either clay or concrete. Existing lagoons are grandfathered into HB 448.

Closing by Sponsor:

REP. ORR told the committee he closed.

HEARING ON HB 567Opening Statement by Sponsor:

REP. Mike FOSTER, HD 32, Townsend, stated that HB 567 deals with a proposal to build a medical waste incinerator in Ringling. In order to keep dioxins and furans from developing in these incinerators, there must be intense heat, little oxygen and a long burn period. HB 567 will require that residents nearby an incinerator be shown emission dispersal data. REP. FOSTER also proposed amendments to the bill. EXHIBIT 6

Proponents' Testimony:

John Hamill, White Sulphur Springs, asked the committee what will be done with medical waste.

Elizabeth Brewer, speaking for her family, said she will support HB 567.

Rebecca Johnston, White Sulphur Springs rancher, offered support for the bill.

Richard Parks, Northern Plains Resource Council, testified that HB 567 is an important piece of legislation to keep medical waste burning under control.

Opponents' Testimony:

Don Sterhan, lobbyist, Western Recovery System, noted that HB 567 encompasses sensitive issues that present roadblocks to medical waste proposed sites in Montana. These emissions are allowed in hospital incinerators but exempted in HB 567. Montana is not in the business of waste disposal, he emphasized. An Environmental

scattered over the top of the water rather than pouring it in at one end. Mr. Fraser said in most activities standards have to be violated in order to achieve the ends of water quality.

Senator Keating said if SB 401 were passed the way it is supposed to be, HB 571 would not be needed. Mr. Fraser said he believed the bill would still be needed because DHES needs the ability to give an exemption from the standards without going through the whole review process.

Senator Weeding asked if the copper sulfate-citric acid solution was what they poisoned fish with. Mr. Fraser said no, these are algaecides. They are specifically used to kill the algae fungus.

Senator Swysgood asked if it would be possible to violate standards without mixing zones. Mr. Fraser said the mixing zone issue is really an issue with permitted discharges. Standards are being violated, but there really isn't a mixing zone and it is not an issue.

Closing by Sponsor:

Representative Brown closed by saying he appreciated the questions asked and said if this bill is passed, Senator Jacobson would be willing to carry the bill.

HEARING ON HOUSE BILL 448

Opening Statement by Sponsor:

Representative Scott Orr, House District 2, Libby, said House Bill 448 would prohibit the construction of a sewage lagoon within 500 feet of an existing well. DHES currently has administrative rules that require sewage lagoons be located at least 1300 feet away from wells or structures, mainly for odor concerns. The Department has granted variances lower than 500 feet, but they are comfortable in not going lower than that. This applies only to new construction of a sewage lagoon, not to an existing lagoon, or to a septic system that has a drain field or a dry well.

Proponents' Testimony:

Steve Mandeville, Legislative Chairman for the Montana Association of Realtors, handed out a sketch (Exhibit #6) giving the size of a lagoon and assured the Committee this barred putting a lagoon within 500 feet of an existing well but did not bar putting a well next to an existing lagoon. He pointed out the size of the lagoon plus the distance to an existing well will take 25 acres and makes the land in between useless.

Pete Story, former senator, said he wants to put into statute a rule which would be a little easier to maintain. He felt this might help to protect people in the Emigrant area in regard to degradation.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked if lagoons currently have to be 1300 feet away from a well. Rep. Orr said if someone wants to put in a sewage lagoon, it must be 1300 feet away from a well or a structure.

Senator Weeding asked for the definition of a sewage lagoon, other than what was stated in the opening remarks. He asked if this was a public disposable system, or could it be a farm house. Rep. Orr said a sewage lagoon would normally only be used where a drain field or a dry well system could not be used. A high water table would make an underground on-site sewage system unacceptable. It is used in very few cases, and for obvious reasons is not the preferred method of treatment. Sewage lagoons must have fences around them to keep children and animals out, and they are infrequently used. In some industrial uses as well as a city or town which would go through a whole treatment process, a lagoon could be a part of the sewage treatment process.

Senator Weeding mentioned that evaporative systems percolate up, and asked if those systems are lagoons. Rep. Orr said a sewage lagoon is more of a treatment system. He said he empties his septic tank truck and his portable toilet truck into an open pit which does not receive any treatment. When the pit gets full it is covered. The pits are not clay or concrete lined, there is percolation that takes place, the liquids leave and when it is full of solids the pits are covered. He added this is a contained system.

Closing by Sponsor:

Representative Orr closed and said he had written testimony he would leave with the Chair for whoever was designated to carry the bill on the floor.